

1 Repeal 2 Cal. Code Regs. Section 18707.1:

2 **~~§ 18707.1. Public Generally. General Rule.~~**

3 ~~(a) Except as provided in Government Code sections 87102.6 and 87103.5, the material~~
4 ~~financial effect of a governmental decision on a public official's economic interests is~~
5 ~~indistinguishable from its effect on the public generally if both subdivisions (b)(1) and (b)(2) of~~
6 ~~this regulation apply.~~

7 ~~(b) Significant Segments and Indistinguishable Effects.~~

8 ~~(1) Significant Segment. The governmental decision will affect a "significant segment" of~~
9 ~~the public generally if any of the following are affected as set forth below:~~

10 ~~(A) Individuals. For decisions that affect the personal expenses, income, assets, or~~
11 ~~liabilities of a public official or a member of his or her immediate family, or that affect an~~
12 ~~individual who is a source of income or a source of gifts to a public official, the decision also~~
13 ~~affects:~~

14 ~~(i) Ten percent or more of the population in the jurisdiction of the official's agency or the~~
15 ~~district the official represents; or~~

16 ~~(ii) 5,000 individuals who are residents of the jurisdiction.~~

17 ~~(B) Real Property. For decisions that affect a public official's interest in real property, the~~
18 ~~decision also affects:~~

19 ~~(i) Ten percent or more of all property owners or all residential property owners in the~~
20 ~~jurisdiction of the official's agency or the district the official represents; or~~

21 ~~(ii) 5,000 property owners or residential property owners in the jurisdiction of the~~
22 ~~official's agency.~~

1 ~~(iii) While the public official must identify ten percent or more of residential property~~
2 ~~owners or 5,000 residential property owners as provided above, and not residential properties, for~~
3 ~~purposes of subdivision (b)(1)(B) the official may choose to count each residential property~~
4 ~~affected as being owned by one property owner if, and only if, the official counts himself or~~
5 ~~herself as the sole owner of the public official's residential property regardless of his or her actual~~
6 ~~ownership interest.~~

7 ~~(iv) For purposes of this subdivision, residential property means any real property that~~
8 ~~contains a single family home, or a multi family structure of four units or fewer, on a single lot,~~
9 ~~or a condominium unit.~~

10 ~~(C) Business Entities. For decisions that affect a business entity in which a public official~~
11 ~~has an economic interest, the decision also affects either 2,000 or twenty five percent of all~~
12 ~~business entities in the jurisdiction or the district the official represents, so long as the effect is on~~
13 ~~persons composed of more than a single industry, trade, or profession. For purposes of this~~
14 ~~subdivision, a not for profit entity other than a governmental entity is treated as a business entity.~~

15 ~~(D) Governmental Entities. For decisions that affect a federal, state or local government~~
16 ~~entity in which the public official has an economic interest, the decision will affect all members~~
17 ~~of the public under the jurisdiction of that governmental entity.~~

18 ~~(E) Exceptional Circumstances. The decision will affect a segment of the population~~
19 ~~which does not meet any of the standards in subsections (b)(1)(A) through (b)(1)(D), however,~~
20 ~~due to exceptional circumstances regarding the decision, it is determined such segment~~
21 ~~constitutes a significant segment of the public generally.~~

22 ~~(2) Substantially the Same Manner: The governmental decision will financially affect a~~
23 ~~public official's economic interest in substantially the same manner as it will affect the~~

1 significant segment identified in subdivision (b)(1) of this regulation. The financial effect need
2 not be identical for the official's economic interest to be considered "financially affected" in
3 "substantially the same manner."

4 ~~(A) Comparing Financial Effects on Real Property: For a decision that affects a public~~
5 ~~official's economic interest in his or her real property, financial effects are measured in terms of~~
6 ~~the overall dollar amount of the increase or decrease in the value of the property and not by a~~
7 ~~percentage increase or decrease affecting property values as a whole. Factors to be considered in~~
8 ~~determining the financial effect on the official's property in comparison with the financial effect~~
9 ~~on the public generally include, but are not limited to, the following:~~

10 ~~(i) The magnitude of the financial effect of the governmental decision on the official's~~
11 ~~property as compared with other properties contained within the significant segment;~~

12 ~~(ii) The lot size of the official's property compared with other properties contained within~~
13 ~~the significant segment (e.g., one acre versus 10 acres);~~

14 ~~(iii) The square footage of the building space of the property compared with the square~~
15 ~~footage of the building space of other properties contained within the significant segment;~~

16 ~~(iv) The proximity of the official's property to the property that is the subject of the~~
17 ~~governmental decision compared with the proximity of other properties contained within the~~
18 ~~significant segment;~~

19 ~~(v) The number of units/parcels owned by the official compared to others in the~~
20 ~~significant segment;~~

21 ~~(vi) The physical characteristics or permitted use of the property (i.e., historical,~~
22 ~~commercial, residential) as compared to other properties in the significant segment;~~

1 ~~(vii) The location of the official's property compared with the location of other properties~~
2 ~~contained within the significant segment;~~

3 ~~(viii) The neighborhood in which the official's property is located is comparable to the~~
4 ~~neighborhoods in which other properties contained within the significant segment are located;~~

5 ~~(ix) The quality of the structure contained on the official's property compared with the~~
6 ~~quality of other structures contained on properties within the significant segment;~~

7 ~~(x) The current fair market value of the property as compared to other properties in the~~
8 ~~significant segment;~~

9 ~~(xi) Improvements made to the official's property as compared with other properties~~
10 ~~contained within the significant segment;~~

11 ~~(xii) The developmental potential or income producing potential of the real property in~~
12 ~~which the official has an economic interest compared with other properties contained within the~~
13 ~~significant segment; and~~

14 ~~(xiii) The character of the effects on the neighborhood of the property in which the~~
15 ~~official has an economic interest including, but not limited to, substantial effects on: traffic,~~
16 ~~view, privacy, intensity of use, noise levels, air emissions, or similar traits of the neighborhood~~
17 ~~compared with the neighborhoods of other properties contained within the significant segment.~~

18 ~~Comment: The term "affect all members of the public" as used in subdivision (b)(1)(D)~~
19 ~~above, is intended to cover decisions affecting the public in general but to exclude decisions that~~
20 ~~uniquely benefit a public official.~~

21 ~~Note: Authority cited: Section 83112, Government Code. Reference: Section 87103,~~
22 ~~Government Code.~~